

**Matthew Scott**

**1**

**Volume: 1**

**Pages: 1 - 82**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 1:17-CV-10161**

- - - - -x

**ELISABETH DOHERTY,**

**Plaintiff,**

**v.**

**AMERICAN INTERNATIONAL COLLEGE,**

**Defendant.**

- - - - -x

**DEPOSITION OF MATTHEW E. SCOTT**

**March 21, 2018**

**1:26 p.m. - 3:08 p.m.**

**BOWDITCH & DEWEY**

**200 Crossing Boulevard**

**Framingham, Massachusetts**

**Reporter: Penni L. LaLiberté, CSR**

**Matthew Scott**

2

**A P P E A R A N C E S:**

**SWARTZ & SWARTZ**

**by: DAVID ANGUEIRA, Esquire**

**Ten Marshall Street**

**Boston, Massachusetts 02108**

**(617) 742-1900**

**dangueira@swartzlaw.com**

**Counsel for the Plaintiff**

**BOWDITCH & DEWEY, LLP**

**by: ARIEL G. SULLIVAN, Esquire**

**200 Crossing Boulevard**

**Framingham, Massachusetts 01702**

**(508) 926-3651**

**asullivan@bowditch.com**

**Counsel for the Defendant**

**ALSO PRESENT:**

**CHELSIE VOKES**

**Matthew Scott**

3

**I N D E X**

<b>Deposition of:</b>	<b>Page</b>
<b>MATTHEW E. SCOTT</b>	
<b>BY ATTORNEY ANGUEIRA</b>	<b>4</b>

**\*No exhibits were marked during the deposition.**

**Matthew Scott**

4

P R O C E E D I N G S

MATTHEW E. SCOTT,

having been satisfactorily identified and duly sworn  
by the Notary Public, was examined and testified as  
follows:

DIRECT EXAMINATION

BY MR. ANGUEIRA:

Q. Good afternoon.

A. Hi.

Q. What is your name?

A. Matthew Scott.

Q. Mr. Scott, I'm an attorney for Ms. Doherty  
and this is a deposition. Have you ever had a  
deposition before?

A. I have not.

Q. All right. If you don't understand any  
question I ask you, please let me know. Always  
answer verbally. By that I mean words as opposed to  
gestures and sounds. If you begin to speak before I  
finish my question, I'll raise my hand just as an  
indicator that I haven't finished. Please allow me  
to finish, and then you can answer the question to  
make sure we get an accurate transcription.

**Matthew Scott**

5

1                   If you need a break for any reason,  
2 just let me know, and we'll be happy to accommodate  
3 you. All right?

4           A. Yes.

5           Q. What's your home address?

6           A. 145 Emerson Street, Springfield, Mass.  
7 01118.

8           Q. And are you currently employed?

9           A. Yes.

10          Q. By whom?

11          A. American International College.

12          Q. And what do you do for them?

13          A. I'm their dean of students.

14          Q. And how long have you been the dean of  
15 students?

16          A. Since January of 2017.

17          Q. All right. And when did you start working  
18 with the American International College?

19          A. It would be 2014, so July I believe of  
20 2014.

21          Q. And what was your first position with  
22 them?

23          A. Actually, hold on, sorry.

24          Q. It's okay.

**Matthew Scott**

6

1           A.    It wasn't 2014.  It was -- so it would  
2 have been 2013.  I apologize.

3           Q.    And what was your first position with  
4 them?

5           A.    Director of residence life.

6           Q.    And for how long did you hold that  
7 position?

8           A.    It would have been for about three years.

9           Q.    And then what position did you assume?

10          A.    Associate dean of students.

11          Q.    And for how long were you the associate  
12 dean?

13          A.    So it was about a year I guess before the  
14 dean of students position.

15          Q.    And then became dean of students?

16          A.    Correct.

17          Q.    And what were your duties and  
18 responsibilities as the director of residence life?

19          A.    So I was responsible for all of the  
20 housing on campus as well as overseeing the conduct  
21 system on campus, and I was also a -- the deputy  
22 Title 9 coordinator.

23          Q.    And when did you become the deputy Title 9  
24 coordinator?

**Matthew Scott**

7

1           A.     It was part of the job description of the  
2 director of residence life.

3           Q.     Was there a Title 9 coordinator?

4           A.     Yes.

5           Q.     And who was that person?

6           A.     That was Nicolle Cestero.

7           Q.     And in your role as the deputy Title 9  
8 coordinator what were your duties and  
9 responsibilities?

10          A.     The majority of the duties were mainly in  
11 the absence of the Title 9 coordinator, I was  
12 somebody that people could report to or they could  
13 come and speak with. But the majority of them  
14 were -- the daily responsibilities were just kind of  
15 overseeing education and ensuring that the  
16 resident -- especially the residence life staff  
17 understood the responsibilities when it came to  
18 reporting and following up on Title 9 matters.

19          Q.     All right. And can you give us a more  
20 definite time period, perhaps a month, of when you  
21 became the associate dean -- I'm sorry, when you  
22 first became the deputy Title 9 coordinator.

23          A.     So that would be when I assumed the role  
24 of director of residence life. So it would be -- so

**Matthew Scott**

8

1 it would have been -- I'm trying to remember if it  
2 was June or July at this point, but it was June or  
3 July of 2013.

4 Q. Okay. Now, when you became deputy Title 9  
5 coordinator, had you received any training or  
6 education in Title 9 matters?

7 A. Prior to assuming or once I assumed the  
8 role?

9 Q. Prior to assuming.

10 A. Yes.

11 Q. Okay. And prior to assuming that title,  
12 what type of training or education did you receive  
13 with Title 9 matters?

14 A. So I had served as a residents director, a  
15 hall director, at a previous institution, so they  
16 required us to have training in Title 9, sexual  
17 misconduct, there's some training there. And you're  
18 specifically talking about Title 9, not just sexual  
19 misconduct?

20 Q. Correct.

21 A. So in that role we had training. And then  
22 also when I was at UMass Amherst in a different role  
23 we also were required to have training, but that was  
24 more around reporting and the responsibilities as an



**Matthew Scott**

9

1 employee to report.

2 Q. What's the other institution where you had  
3 the Title 9 training?

4 A. Well, now it's Western New England  
5 University, used to be Western New England College.

6 Q. Describe the training that you received in  
7 the Title 9 matters at the Western New England  
8 School.

9 A. I couldn't say for certain everything. I  
10 mean it was -- the trainings were, you know, about  
11 certainly obligation to report. They were trainings  
12 about victims of trauma and how they might respond  
13 in situations when they are a victim of trauma. And  
14 confidentiality, that was definitely a piece of it.  
15 But other than that, I can't -- it's been a while.

16 Q. In terms of what you were trained or  
17 educated regarding how victims respond to trauma,  
18 what did you learn?

19 A. Prior to this role you mean? Prior to  
20 assuming the director of residence life role?

21 Q. We're talking about the training that you  
22 received at the other institution, the Western New  
23 England.

24 A. Yeah.

**Matthew Scott**

10

1           Q.     We're going to break up the training  
2 chronologically, so if we can just stick with that.

3           A.     Sure. So at the time I was -- I was an  
4 EMT as well, so I had a lot of training in -- in  
5 what responses -- victim responses to trauma. In  
6 that particular case, when I was at Western New  
7 England, you know, we would talk about how a  
8 victim's memory might not be -- you know, they might  
9 not always be able to recall every piece of an  
10 incident or a situation, that the -- that they could  
11 be reminded; you know, sometimes things will come up  
12 as you're speaking with them, and they might be  
13 reminded of things. So a lot of that is talking  
14 about if you're ever in a role of trying to take in  
15 information, assessing credibility -- assessing if  
16 you can credibility. Sometimes it's very difficult  
17 in those situations.

18                         So that's -- again I can't remember  
19 specific details of any of the trainings, but I  
20 certainly know that that was a piece of it because  
21 we did have many discussions about that.

22           Q.     And do you recall whether or not you had  
23 any subsequent training in the area of recognizing  
24 the symptoms of victims of trauma?

**Matthew Scott**

11

1           A.     Subsequent to --

2           Q.     The one you just described at Western  
3 New England.

4           A.     Yes.   When I as an EMT we certainly had  
5 training on that.   I worked for American Medical  
6 Response, AMR, so they provided training that we had  
7 to go to.   We had to take continuing education  
8 courses.   And that was, you know, something that was  
9 becoming -- especially with the Dear Colleague  
10 letter at that time, the Dear Colleague letter and  
11 things that were coming out.   We had a lot of  
12 colleges in the area, so we did have to respond to  
13 the colleges.   So it was something they relied quite  
14 a bit on us.

15          Q.     And when you refer to the "Dear Colleague  
16 letter," are you referring to the DOE letter, the  
17 Department of Education letter?

18          A.     Yes.

19          Q.     And were you familiar with the contents of  
20 that letter?

21          A.     Yes.

22          Q.     And did you have to review that and  
23 understand that in conjunction with your job as an  
24 EMT?

**Matthew Scott**

12

1           A.     It was -- we did not have to read that --  
2     that entire document, but we did have to -- because  
3     of our interaction with the college campuses, we  
4     were required to have a basic understanding of what  
5     colleges were obligated to report. Because many  
6     times we would be called to college campuses, and  
7     based on our training we wouldn't necessarily think  
8     it was as necessary for us to be there, but we knew  
9     that the college campuses were obligated to report  
10    things so --

11          Q.     Now, in your role as a deputy Title 9  
12    coordinator did you become familiar with the  
13    contents of the Dear Colleague letter?

14          A.     Yes.

15          Q.     And had you read it in its entirety?

16          A.     Yeah. I would say I did, yeah.

17          Q.     Did you understand the rights that victims  
18    of Title 9 violations have?

19          A.     Yes.

20          Q.     Did you understand that it was the  
21    college's responsibility that when allegations of  
22    sexual misconduct are reported to it that the  
23    college is to conduct a prompt and reasonable  
24    investigation?

**Matthew Scott**

13

1           A.     Yes.

2           Q.     Did you also understand it was the  
3 college's responsibility to maintain a safe  
4 environment for the victims during the course of the  
5 investigation?

6           A.     Yes.

7           Q.     Did you understand that during the course  
8 of the investigation if the college received any  
9 evidence that the victim was concerned about her  
10 safety due to retaliation by either the person who  
11 had committed the act against her or any friends or  
12 associates of that person, that that is something  
13 that should be investigated as well?

14                   MS. SULLIVAN:  Objection.  You can  
15 answer.

16                   THE WITNESS:  Yes.

17 BY MR.  ANGUEIRA:

18           Q.     And did you understand it was the school's  
19 obligation to conduct a full and thorough  
20 investigation regarding any potential retaliation  
21 against the victim?

22                   MS. SULLIVAN:  Objection.  You can  
23 answer.

24                   THE WITNESS:  To the extent that a

**Matthew Scott**

14

1 victim -- to the extent that someone comes forward  
2 and tells us that they would like us to move  
3 forward, it's a very sensitive situation when  
4 someone comes forward with a complaint, we take our  
5 lead from them many times, unless it's something  
6 that we feel is a -- is a larger threat to the  
7 institution.

8                   So, yes, I am aware and was aware  
9 that if somebody brings a complaint forward and says  
10 they would like us to move toward and do something  
11 with that, we will; however, it's important to note  
12 that many times college students, if they do come  
13 forward with something, they often will specifically  
14 either tell us not to move forward with it, or they  
15 would say I just want you to have this for the  
16 record just in case something comes up in the  
17 future. Because they're very sensitive to their --  
18 the image or they're very sensitive to the way that  
19 it could impact their -- you know, their  
20 relationships on campus so -- but yes.

21 BY MR. ANGUEIRA:

22           Q. Was it your understanding that as a  
23 Title 9 coordinator, a deputy coordinator, that if a  
24 student reported that she had been raped on campus

**Matthew Scott**

15

1 to the institution and said she does not want the  
2 Title 9 investigation, that the college cannot  
3 conduct a Title 9 investigation?

4 A. No. We still have to conduct a  
5 reasonable -- while protecting as many -- you know,  
6 we have to protect the privacy as best we can. We  
7 do still have to conduct an investigation. It's  
8 whether or not we move forward with a formal hearing  
9 and, you know, how we conduct the investigation, who  
10 we pull in. So we do modify, if we can, if it's the  
11 first report that we have from the alleged victim or  
12 the alleged perpetrator or complainant/respondent,  
13 then, yes, we will investigate, but we determine --  
14 we take our lead from them if we can as to whether  
15 or not we move forward with a formal hearing.

16 Q. And certainly if the victim is willing to  
17 participate in the investigation and wants the  
18 college to conduct the investigation, then you  
19 understand it's the school's obligation to conduct a  
20 full and thorough investigation, correct?

21 A. Correct.

22 Q. You were one of the panel members on the  
23 Doherty matter?

24 A. Correct.

**Matthew Scott**

16

1 Q. And the other panel members were whom?

2 A. It was Bruce Johnson and Nila Lenna.

3 Q. Okay. Prior to the Doherty hearing, how  
4 many Title 9 hearings had you actually been on?

5 A. Prior to the Doherty matter I hadn't  
6 served on a hearing board for a Title 9 matter;  
7 however, I did oversee the conduct process which was  
8 very similar, and I had to serve on many hearing  
9 boards and just formal conduct meetings with  
10 students.

11 Q. And how are conduct hearings very similar  
12 to a Title 9 investigation and hearing with  
13 allegations of rape?

14 A. Just in terms of the process, in terms of,  
15 you know, our preponderance of the evidence  
16 standard, our -- the manner in which we conduct our  
17 investigations. And a hearing board, whether it's  
18 for -- whether it's for just a non-sexual misconduct  
19 case or a sexual misconduct case, there's a  
20 three-person hearing board with the right to the  
21 appeal. We give that right. It isn't, you know,  
22 something that we have to give, but we do give that  
23 right because we believe in it.

24 Q. With respect to your -- as I understand



**Matthew Scott**

17

1 it, you never sat on a board -- a Title 9 hearing  
2 board to hear a sexual misconduct hearing before the  
3 Doherty matter; is that correct?

4 A. Correct.

5 Q. But you're saying that you did sit on many  
6 student conduct hearing boards to hear different  
7 types of matters, correct?

8 A. Correct.

9 Q. Were any of those matters related to  
10 sexual misconduct?

11 A. Not that I recall, no.

12 Q. Otherwise they'd be a Title 9 hearing,  
13 right?

14 A. Correct.

15 Q. So the ones that you dealt with would be  
16 dealing with what? Things like violations of the  
17 school policy for drugs and alcohol? Would that be  
18 one subject area?

19 A. Could be but typically if it's at the  
20 level of a board, it's typically, you know, an  
21 assault. So if there's a fight between students or  
22 something of that nature.

23 Q. Or a threat by one student to another?

24 A. Correct. Which could result -- you know,

**Matthew Scott**

18

1 if it's something that could result potentially in  
2 suspension or expulsion from the institution, it  
3 would rise to the level of a board.

4 Q. So what other types of student conduct  
5 hearings did you actually participate in in terms of  
6 the nature of the alleged offense?

7 A. Do you mean on a three-person or just a --  
8 because all of our -- the challenge with conduct is  
9 conduct is -- conduct on a college campus can be --  
10 so, for instance, I could have a one-on-one meeting  
11 with an alleged or an accused student, and, you  
12 know, it could result in a suspension just from the  
13 meeting with me. So in some ways they're  
14 interchangeable; however, in cases that are a little  
15 bit more -- so like our sexual misconduct cases, we  
16 use a three-person hearing board so that it isn't  
17 just one person that's making the final decision.

18 But, yes, certainly there was -- you  
19 know, there would be -- I'm trying to think through  
20 specific cases that I would have sat on;  
21 unfortunately, I oversee all conduct, so it's  
22 challenging to think back to that timeframe or --  
23 because I'm assuming you're asking prior to --

24 Q. The Doherty matter.

**Matthew Scott**

19

1           A.    Yeah.   So prior to that I wouldn't be able  
2   to put my finger on exactly which cases had happened  
3   by then and which had happened prior.

4           Q.    Okay.   By the time that you were seated  
5   for the Doherty hearing, had you had any subsequent  
6   training in how to investigate and handle Title 9  
7   matters?

8           A.    You said after?

9           Q.    So by the time that you sat on the Doherty  
10   hearing --

11          A.    Okay.

12          Q.    -- had you had any additional training in  
13   Title 9 matters that you have not already described  
14   for us?

15          A.    That I haven't described.   Yeah, we had  
16   trainings at IAC, at the college, where we had  
17   internal trainings where we would conduct trainings  
18   with our staff, but then we also had external  
19   training from our attorney -- from the attorneys  
20   here that would come in, and they did it for us as a  
21   whole.   So with anybody that was involved in the  
22   Title 9 process, in the hearing process,  
23   investigation process, we had multiple trainings on  
24   that.

## Matthew Scott

20

1           Q.    And were some of the subject matters  
2 discussed during that training the types of  
3 questions that could be asked of a victim and the  
4 types of questions that should not be asked of a  
5 victim?

6           A.    I can't remember specifically. I've  
7 certainly had a lot of training on that, but I can't  
8 remember specifically if those types of questions  
9 were part of that training. I know I've trained my  
10 staff, and I could guarantee that I did before that  
11 date, you know, what types of things to ask and how  
12 to ask things and -- yeah.

13          Q.    When you say that you can guarantee that  
14 you trained your staff before that date, are you  
15 referring to the hearing date for Ms. Doherty?

16          A.    Correct, yes.

17          Q.    When you say your staff, what staff did  
18 you train in Title 9 matters?

19          A.    Sure. So, you know, part of the -- part  
20 of my responsibility as overseeing especially  
21 residence life is -- we have all of our hall  
22 directors in the building, and we have all of our  
23 resident advisers, which are undergraduate students  
24 on the floor. So, you know, they're not part of the

**Matthew Scott**

21

1 hearing process certainly, and they actually don't  
2 have much of a role in an -- actually really any  
3 role in the actual investigation. But, you know, we  
4 do talk with them; you know, I would conduct  
5 training during RA training or RD training about  
6 being sensitive to students or anybody that has  
7 alleged that they were a victim, whether, you  
8 know -- even if you don't know the details, just  
9 understanding what they might be going through, that  
10 they might have a difficult time recalling, you  
11 know, that type of thing. So yeah.

12 Q. Was it your understanding that the college  
13 was supposed to follow the OCR guidelines with  
14 respect to Title 9 investigations?

15 A. Yes.

16 Q. The investigators that were involved in  
17 the investigation of the Doherty matter, what were  
18 their names?

19 A. It was Cindy Shiveley and I believe it was  
20 Terrence O'Neill.

21 Q. All right. Do you know what their level  
22 of experience was in conducting an investigation of  
23 a Title 9 matter?

24 MS. SULLIVAN: Objection. You can

**Matthew Scott**

22

1 answer.

2 THE WITNESS: And I don't. I don't  
3 know what their experience was.

4 BY MR. ANGUEIRA:

5 Q. Okay. Well, we do know that you never  
6 handled a Title 9 hearing before the Doherty matter,  
7 so do you know whether or not either of those two  
8 investigators had ever even participated in a  
9 Title 9 investigation?

10 A. I don't.

11 Q. Of the three panel members that were on  
12 that hearing, had any of them ever handled a Title 9  
13 hearing?

14 A. I don't know.

15 Q. Well, you know that you didn't, correct?

16 A. Correct.

17 Q. Can you describe for us the level of  
18 training, if any, the investigators had received  
19 before they investigated the Doherty allegations?

20 MS. SULLIVAN: Objection. You can  
21 answer.

22 THE WITNESS: I don't know all of  
23 the training, but I do know that they were part of  
24 the kind of cohort of people that were -- that would

**Matthew Scott**

23

1 have received the same training that I would have.  
2 So that would have been -- prior to that there would  
3 have -- there would have been two, I would assume,  
4 that I would have gone through with them  
5 specifically.

6 BY MR. ANGUEIRA:

7 Q. Two training sessions you mean or  
8 something else?

9 A. Yes, two training sessions that I would --  
10 that I could say that I would have gone through the  
11 same training as them. But I don't know all  
12 training that they would have received.

13 Q. And do you know whether or not the  
14 investigators are trained in investigative  
15 techniques?

16 A. I don't know.

17 Q. Do you know if the investigators are  
18 trained in making sure that they speak to all of the  
19 available witnesses to make sure they gather all the  
20 evidence?

21 A. I should qualify my previous statement.  
22 When you say are they -- I do know, because I've  
23 seen the content, you know, I went through some of  
24 the training, we were all cross-trained. So, you

**Matthew Scott**

24

1 know, we were trained on being on the hearing board  
2 or investigation so that we understood what the  
3 other side would be doing during something like  
4 that. So to the extent of what occurred in those  
5 trainings, I know that that was a piece of the  
6 training that they received, but I don't know if  
7 they had any other training. Especially Cindy was  
8 in human resources, and I don't know if they had any  
9 sort of -- because of, you know, employee --  
10 employee relation suits, I don't know what other  
11 types of --

12 Q. Do you know if any of the investigators or  
13 for that matter even the hearing officers on the  
14 panel were ever trained in determining the  
15 credibility of witnesses and how that's done?

16 A. I do know that that was the content of the  
17 training that we had received from the -- our  
18 attorney's office, but I don't know at which  
19 training session that would have been. You know, we  
20 have them regularly, so it's difficult for me to  
21 remember at what point that was part of it, but that  
22 was typically part of our conversation during every  
23 training.

24 Q. And was any part of that training dealing



**Matthew Scott**

25

1 with the issues of the memories that a trauma victim  
2 may have or not have?

3 A. I don't recall specifically for those  
4 trainings. I don't recall.

5 Q. But you certainly had your own training in  
6 terms of what trauma can do to a victim's memory,  
7 correct?

8 A. Yes.

9 Q. And you learned during the course of your  
10 training that there are many times that victims are  
11 traumatized, particularly rape victims, and some of  
12 them have a total absence of the event; you knew  
13 that, right?

14 A. Yes.

15 Q. Many of them have different recollections  
16 of what happened and when it happened, correct?

17 A. Correct.

18 Q. Many of them recall different part of the  
19 rape or the events in different ways even when you  
20 ask them repeatedly about how the event occurred,  
21 correct?

22 A. Correct.

23 Q. And none of those issues mean that the  
24 person is not telling the truth. It simply means

**Matthew Scott**

26

1 that that's how their memory is working in  
2 conjunction with the trauma that they underwent,  
3 correct?

4 A. That can be correct, yes.

5 Q. So you shouldn't just discredit the  
6 victim's testimony because there may be  
7 inconsistencies based on her or his statement alone,  
8 correct?

9 MS. SULLIVAN: Objection. You can  
10 answer.

11 THE WITNESS: You shouldn't  
12 discredit based on -- based on just their  
13 recollection alone? Is that what you said?

14 BY MR. ANGUEIRA:

15 Q. Yes.

16 A. Based on just their recollection alone,  
17 no, you shouldn't.

18 Q. Because what you have to do is take into  
19 account the other evidence including accounts by  
20 other witnesses and any other evidence you may have  
21 available to you, correct?

22 A. Correct.

23 Q. At this college, when you were going to  
24 conduct a Title 9 hearing, was it the protocol to

**Matthew Scott**

27

1 call in live witnesses if they were available or  
2 not?

3 A. Typically -- do you mean for the hearing  
4 board members to call them in?

5 Q. Yes.

6 A. Typically we wouldn't unless we felt that  
7 it would add something based on -- you know, if we  
8 had holes that were missing, but we could always --  
9 you know, what we would typically do is during any  
10 conduct -- if we had separate investigators, they  
11 would go out and get more information; however, both  
12 the complainant and the respondent are able to  
13 produce their own witnesses and provide us with a  
14 list of witnesses that they would like to be  
15 present, regardless if we were asking to call them  
16 in or not.

17 Q. Were you ever trained in any investigative  
18 techniques, or in any of your work in conjunction  
19 with your educational roles, that one of the best  
20 ways to determine the credibility of a witness is to  
21 actually see and hear that witness?

22 A. I don't know that I can say that that was  
23 part of any training, but I can say that I -- I can  
24 understand that statement; however, that is also

**Matthew Scott**

28

1 something that -- based on our training of assessing  
2 credibility, that is something that the  
3 investigators were -- were doing at the same time  
4 as -- because they did meet with -- they heard and  
5 saw the witnesses, so they were assessing some of  
6 the -- you know, that credibility as they were going  
7 through and conducting the investigation.

8 Q. And in the Title 9 investigation that's  
9 conducted at your college, if the investigators form  
10 opinions about the veracity of credibility of a  
11 particular witness, is that information that you as  
12 a hearing officer rely upon?

13 A. We reply upon it in -- they do give us  
14 details of if they believed somebody was credible  
15 and why. But they are instructed not to put their  
16 opinions in in terms of, you know, things like this  
17 person is lying or, you know, that type of -- those  
18 types of statements.

19 But based on incongruities between  
20 statements or, you know, someone saying that they  
21 were in one place and they weren't, or, you know,  
22 there's other evidence to say that they were  
23 somewhere else, those are the types of -- or  
24 relationships, sometimes relationships between

**Matthew Scott**

29

1 people. So they would put those statements in  
2 there, and that would be -- they would tell us that  
3 that was the way that they determined if they felt  
4 someone was credible.

5 Q. When conducting a Title 9 investigation  
6 and determining whether or not a rape occurred, is  
7 the nature of the relationship between the rapist  
8 and any witnesses supporting that rapist's version  
9 of his story a relevant matter? Do you understand  
10 my question?

11 A. Yeah, I'm trying to --

12 Q. It was a little awkward.

13 In the course of an investigation,  
14 if there's an allegation by a student that she'd  
15 been raped by Mr. X, let's say, who is another  
16 student, and Mr. X has witnesses that testify in a  
17 way to provide evidence that's inconsistent with  
18 what the victim says happened, is it part of the  
19 investigatory process to determine the relationship  
20 between Mr. X and the witnesses supporting his  
21 version of the story?

22 MS. SULLIVAN: Objection. You can  
23 answer.

24 THE WITNESS: That is typically part

**Matthew Scott**

30

1 of the process. Usually we want to know how people  
2 are connected. Especially on a college campus,  
3 there are lots of connections going on in lots of  
4 different ways. So, yes, typically we will try to  
5 find out are they on the same team, are they  
6 previous significant others or, you know, something  
7 like that.

8 BY MR. ANGUEIRA:

9 Q. Okay. Because if you find out that  
10 somebody had a previous relationship or an existing  
11 intimate relationship or close friendship, you know  
12 that sometimes people will lie for their friends,  
13 correct?

14 A. Yes. And so we --

15 Q. That's a matter of life, right?

16 A. Yes.

17 Q. So then part of the role of investigators  
18 is to make sure that they understand and provide  
19 evidence to you as a hearing officer about the  
20 nature of any relationships that witnesses may have  
21 to the accuser and the accused, correct?

22 A. Correct.

23 Q. Because it not only applies to the  
24 accused, but if a victim has witnesses supporting

**Matthew Scott**

31

1 her account, then you want to know whether or not  
2 there may be any bias or prejudice on those  
3 witnesses' part because they're protecting their  
4 girlfriend or what have you?

5 A. Absolutely, yes.

6 Q. Do you know what the Cleary Act is?

7 A. Yes.

8 Q. What is it?

9 A. So we are required to report our  
10 statistics every year. My role in that is providing  
11 the -- well, I reviewed the document, but ultimately  
12 it's our campus police that is updating it. I  
13 provide the statistics for the conduct referral  
14 numbers.

15 Q. Okay. And what were the number of sexual  
16 assaults on campus of -- let's say for the five-year  
17 period prior to the Doherty sexual assault?

18 A. I don't know that information off the top  
19 of my head.

20 Q. Do you have any idea what the numbers were  
21 annually?

22 A. I don't. Prior to the Doherty, no.

23 Q. Okay. You were a -- were you the chair of  
24 the panel for the Doherty hearing?

**Matthew Scott**

32

1           A.     Yes.

2           Q.     Okay.  And was that because of your role  
3 as the Title 9 coordinator or something else?

4                   MS. SULLIVAN:  Objection.  I just  
5 want to clarify, he's not the Title 9 coordinator.

6                   MR. ANGUEIRA:  That's what I  
7 thought.

8                   MS. SULLIVAN:  Deputy.

9                   MR. ANGUEIRA:  No, no, that's fine.

10          BY MR. ANGUEIRA:

11           Q.     So who asked you to be the chair?

12           A.     It would have been Nicolle.  So she was  
13 the Title 9 coordinator and still is, so she was the  
14 one that formed the panel.

15           Q.     If you have a Title 9 investigation and  
16 simultaneously there's a police investigation  
17 regarding the same event, like a rape, was it your  
18 understanding that there should be some level of  
19 communication between the school and the police --  
20 not the campus police, but the outside police, to  
21 see if there's any evidence that should be shared  
22 between the two to help in the investigation or not?

23           A.     That information does not typically get  
24 shared very readily.  And we also -- that's



**Matthew Scott**

33

1 partially because the police protect that  
2 information, but we also do not wait for a police  
3 investigation. So in that situation, you know, we  
4 move forward with the information that we can so  
5 that we can provide a timely -- we're under very  
6 different timelines than the police are, so we need  
7 to move forward so that we can resolve the case. So  
8 we don't always have the information that the police  
9 have, nor can we always wait for it.

10 Q. Did you understand that it was the  
11 school's obligation in conjunction with the  
12 students' Title 9 rights to provide a reasonably  
13 safe environment once a victim of sexual assault  
14 reports that to the school?

15 A. Yes.

16 Q. Did you also understand it was the  
17 school's obligation to provide that victim of any  
18 necessary counseling to assist the rape victim in  
19 dealing with those events?

20 A. Yes.

21 Q. What counseling services did this school  
22 have available to Ms. Doherty at 2- or 3 o'clock in  
23 the morning when she reported the rape?

24 A. So we do have -- we do have licensed, you

## Matthew Scott

34

1 know, counselors on campus that are on call that  
2 could be called in. I do know that -- let me take a  
3 step back. I don't know that, but I believe that  
4 Nicolle responded that night to take the initial  
5 report. But, you know, unfortunately it isn't  
6 uncommon that campuses don't have 24-hour counseling  
7 on campus; however, had she requested it from  
8 Nicolle, we would have called.

9 We also have access to -- we have  
10 relationships with counseling -- I guess you can  
11 call them hotlines in the area, so those are all --  
12 that's all information that we -- that we have  
13 available for all of our students.

14 Q. Are you saying that the student victim has  
15 to ask for counseling before the school offers the  
16 counseling?

17 A. No. So whenever we meet with a student,  
18 we have the Title 9 victim's rights form that we  
19 give out, and then we also have what we just call a  
20 one-pager. I don't even know what's on it. And  
21 that has the phone numbers of local -- if they want  
22 to speak with somebody else, it has the phone  
23 numbers of local agencies that they can contact as  
24 well as the information of our counseling services,

**Matthew Scott**

35

1 but it's offered. It's something they can take  
2 advantage of.

3 MR. ANGUEIRA: Did you want to --

4 MS. SULLIVAN: Yeah. I just thought  
5 it would be appropriate to show him the Title 9  
6 Victim's Rights form because I think that that was  
7 something that -- it appears it was given to  
8 Elisabeth Doherty on the night.

9 MR. ANGUEIRA: Let's ask him because  
10 the other gentleman didn't know what that was.

11 MS. SULLIVAN: Okay.

12 BY MR. ANGUEIRA:

13 Q. First of all, do you know what that  
14 document is?

15 A. Absolutely. I give it out every time  
16 somebody talks to me about sexual misconduct at all.

17 Q. And that's Exhibit 2. What do you mean  
18 you give it out? Who do you give it to first of  
19 all?

20 A. So I'm one of the named people that  
21 somebody can come to and report sexual misconduct on  
22 campus. Any time that somebody meets with me or  
23 talks with me on the phone, I try to schedule a  
24 meeting with me if possible. These two documents --

**Matthew Scott**

36

1 that's the one-page of the reference guide. So  
2 these are documents that we -- that I would give out  
3 any time that I spoke with somebody who is alleging  
4 any sort of -- not just rape, any sort of sexual  
5 misconduct. And Nicolle does that as well.

6 Q. In this particular case that's a document  
7 that was signed by Ms. Doherty?

8 A. Correct.

9 Q. And do you know what time of the day or  
10 what date it was signed?

11 A. I don't. Well, the date says August 14 --  
12 or August 30th, 2014.

13 Q. Was that on the same day that she reported  
14 the allegations?

15 A. I don't remember specifically, but I can  
16 just tell you in general it's usually when we meet  
17 with the student, you know, at that time or when we  
18 have the formal meeting the next day.

19 Q. So when you say when we meet with the  
20 student or have a formal meeting, is that something  
21 that happens after the initial intake of the  
22 allegation?

23 A. Not -- so this is where it's difficult on  
24 a college campus. So many times incidents are

**Matthew Scott**

37

1 reported at 2 o'clock in the morning, in the middle  
2 of the night. So our campus police and our hall  
3 directors and such are given this information that  
4 they can give out to the students; however, as a  
5 Title 9 coordinator, you know, Nicolle and me, the  
6 deputy Title 9 coordinator, we want to make sure  
7 that it didn't just stop there, that it didn't just  
8 stop with, here, we gave you this piece of paper,  
9 now figure it out. So we always reach out to the  
10 student and try to set up a meeting with them.  
11 Sometimes they don't want to talk to us, but we  
12 always try to set up a meeting so I can have a  
13 personal conversation to make sure that they really  
14 understand what they were given. In this case I  
15 believe Nicolle came on campus that night, and she  
16 would have been speaking with her directly.

17 Q. Okay. Is Nicolle still with the school?

18 A. Yes.

19 Q. Okay. And do you have any personal  
20 knowledge of what Nicolle told Ms. Doherty?

21 A. I don't. I wasn't there.

22 Q. Do you know if Nicolle offered Ms. Doherty  
23 any counseling services?

24 A. I don't know personally if she -- you

**Matthew Scott**

38

1 know, I wasn't there.

2 Q. Do you know if Ms. Doherty was offered any  
3 medical assistance?

4 A. Again I don't know because I wasn't there  
5 but --

6 Q. Well, not just from being there but from  
7 any information you received later on, do you know  
8 if she went to any hospital, had a rape kit done on  
9 her or anything like that?

10 A. I don't recall in this case -- I don't  
11 recall.

12 Q. One way or the other?

13 A. Yeah, I don't recall one way or the other.

14 Q. At the end of the hearing, the Title 9  
15 hearing in this case, there was a deliberation,  
16 correct?

17 A. Correct.

18 Q. We have the audiotape of the hearing, and  
19 I played segments of it for the other witness, and  
20 I'm trying to avoid doing that in this case with you  
21 if I can. But what was not recorded in any way were  
22 the actual deliberations. Was that standard  
23 procedure at your school?

24 A. It is, yeah.

**Matthew Scott**

39

1           Q.     Why?

2                       MS. SULLIVAN:  Objection.  You can  
3 answer if you know.

4                       THE WITNESS:  I -- I didn't create  
5 that policy.  I do know that that is relatively  
6 standard at institutions that I've been at, and also  
7 at -- you know, I've gone to conduct conferences  
8 where we have extensive training on -- and this is  
9 all since then.  What I can say is that typically in  
10 a deliberation, you know, we're talking about  
11 sometimes other students, we're talking about the  
12 connection between the students.  And I think what  
13 tends to happen is if -- especially during a  
14 deliberation, you know, you have to -- you have to  
15 really -- you have to dig in, and you have to  
16 challenge yourself and each other on things.  And so  
17 I just think that's a reason why they don't -- they  
18 want to record the hearing so that nothing is  
19 missed.

20                       Typically the main reason that the  
21 hearing is recorded is mainly so that, if we needed  
22 to, especially during deliberation, we can go back  
23 and listen to something, and, you know -- so during  
24 the -- really the recording is more for us to go

**Matthew Scott**

40

1 back during deliberation if we need to ever go back  
2 or during the appeal process if we need to go back  
3 and listen to the actual hearing. So there isn't  
4 really a reason that they would typically record the  
5 deliberation.

6 BY MR. ANGUEIRA:

7 Q. Are there any policies or procedures  
8 regarding the proper way to conduct a deliberation  
9 in terms of what should be said, what should not be  
10 said?

11 A. Not -- I don't know that I would say that  
12 it's specific training on deliberation, but it's  
13 more calling on our knowledge and our training, you  
14 know, such as the training when we're talking about  
15 credibility, because that is part of -- that  
16 conversation is, you know, what came up and pulling  
17 together the pieces and -- so we do, we call on  
18 our -- I guess the way that I can say it is it's  
19 not -- it's not like we sit down and have a specific  
20 training on deliberation.

21 Q. Okay. So if the deliberation is being  
22 conducted properly and nobody is saying anything  
23 that should not really be said inappropriately --

24 MS. SULLIVAN: Objection.



**Matthew Scott**

41

1 BY MR. ANGUEIRA:

2 Q. -- why would you not want to have a record  
3 of what's said?

4 MS. SULLIVAN: Objection.

5 THE WITNESS: Again I wasn't part of  
6 creating that policy, so I'm not sure why it was  
7 written that way. But, you know, it's relatively  
8 standard on college campuses that -- as a matter of  
9 fact, most conduct cases in general are not  
10 recorded, so even non -- mostly non-sexual  
11 misconduct cases are not recorded at all during  
12 deliberation.

13 Q. I understand that you've said that. I'm  
14 just trying to get your understanding of the  
15 rationale, if you have any, as to why you would not  
16 want to have a record of what the persons on the  
17 hearing panel were actually saying during the  
18 deliberation. Can you think of any rationale for  
19 that?

20 MS. SULLIVAN: Objection. You can  
21 answer.

22 THE WITNESS: No. I mean I don't  
23 have -- I don't know the rationale, and I don't know  
24 that I -- I don't have a strong opinion one way or

Matthew Scott

42

1 another. But I think if I could -- you know, I  
2 would say that it could -- yeah, I really -- I don't  
3 have a strong opinion one way or another, and I  
4 wasn't -- you know, and I wasn't part of creating  
5 that policy.

6 BY MR. ANGUEIRA:

7 Q. So let's say during a deliberation one of  
8 your panel members might make a comment that you as  
9 the head or a chairperson thought was inappropriate,  
10 like, you know what, that girl was asking for it,  
11 she didn't scream loud enough, she wanted to have  
12 sex; is that a proper part of the deliberation, to  
13 have a comment like that from a panel member?

14 MS. SULLIVAN: Objection. But you  
15 can answer.

16 THE WITNESS: Is it proper for  
17 somebody to say something like that during a  
18 deliberation? Is that what your question was?

19 BY MR. ANGUEIRA:

20 Q. Yes.

21 A. I don't think it's an appropriate  
22 statement for -- I don't think that that is  
23 something that -- well, one, it would not be  
24 something that would be -- it would not impact the

**Matthew Scott**

43

1 outcome, especially because that's something that  
2 is -- and I think -- I even believe -- I remember  
3 even saying something like that just to clarify  
4 during the hearing process to Ms. Doherty about --  
5 just explaining certain things to her and making  
6 sure she understood why we ask certain questions,  
7 why we have to ask some of these questions.

8                   During the deliberation certainly  
9 nothing like that would -- did come up because I  
10 would remember it. It would stick out to me. If  
11 something like that came out in the deliberation,  
12 then I absolutely would -- I personally would  
13 correct that, if there was something like that.

14           Q.     And how would you correct it?

15           A.     Well, one, I would say that it -- you  
16 know, that it's inappropriate, that it's not  
17 something that we should be considering, and I would  
18 make sure that anybody -- in this case it's three of  
19 us, so that would be one other person, you know --  
20 so in that case during the deliberation I would say  
21 that's not something that we can be using when we're  
22 considering the outcome of this case.

23           Q.     Would that kind of a statement indicate to  
24 you some element of bias or prejudice?

**Matthew Scott**

44

1           A.     If the statement was she was asking for  
2     it?

3           Q.     Or comments to that effect, like they  
4     didn't believe the victim either because of the way  
5     that she was dressed or she didn't scream loud  
6     enough or she probably wanted it, things to that  
7     effect that you knew were inappropriate, would that  
8     indicate to you some element of bias or prejudice by  
9     that hearing officer?

10          A.     Well, I think there's a difference between  
11     somebody that says she was dressed inappropriately  
12     so she was asking for it -- I think there's a  
13     difference between a statement like that and a  
14     statement like -- you know, talking about -- because  
15     I do remember during this case one of the things  
16     that we had to look at quite a bit was the fact that  
17     there were other people in the room or in the suite  
18     at various times, and we had -- it was a key piece  
19     of this case. So we had to get to the bottom -- or  
20     get as much information as we could about the level  
21     of noise somebody was making or what the -- what a  
22     scream -- what a quote, unquote, "scream" was and  
23     things of that nature.

24                         So if during the deliberations

**Matthew Scott**

45

1 someone was talking specifically about that moment,  
2 that scream or the decibel level or whatever, I do  
3 think that's appropriate to talk about that during  
4 this particular case because it was so critical in  
5 determining if it was -- if we could determine that  
6 it was more likely than not that a sexual misconduct  
7 occurred.

8 Q. So you didn't answer my question. So let  
9 me ask it again.

10 A. Sure.

11 Q. And what I'm trying to do is to ask you  
12 questions unrelated to your actual deliberation in  
13 this case. And I will --

14 A. Okay.

15 Q. -- in a few minutes. You keep going to  
16 that.

17 My question is, if you hear a panel  
18 member during deliberations make a comment like the  
19 ones I suggested, would that indicate to you  
20 possible prejudice or bias against a rape victim?

21 A. Again I think it's -- because there were a  
22 couple statements that you made. One, is if there  
23 was -- if there were statements made about she was  
24 asking for it because of what she was wearing, then,

**Matthew Scott**

46

1 yes, that's inappropriate, and that should not be  
2 asked. But if it's more about -- these situations  
3 are very difficult, and you have to think through a  
4 lot of the different scenarios that occurred, and  
5 you don't always know every piece of it. So I can't  
6 say that there wouldn't be certain comments that  
7 people would make to determine credibility, to  
8 determine if the -- if the student had -- you know,  
9 what was going through their mind or what was  
10 happening in that moment or did their mind change,  
11 you know, so -- so as --

12 So specifically to the comment of if  
13 she was asking for it because it was -- you know,  
14 what she was wearing or that -- those types of  
15 comments, yes, that is inappropriate.

16 Q. What would you do if you suspected that  
17 one of your panel members was biased or prejudiced  
18 against a rape victim?

19 A. After the --

20 Q. During the deliberation.

21 A. During the deliberation?

22 Q. Yeah.

23 A. If there was a -- so after the hearing had  
24 occurred and we were in the deliberation stage, and

## Matthew Scott

47

1 I felt as though there was a strong bias between --  
2 or from one of the panelists, what I would -- what I  
3 would do personally is first I would consult with  
4 the Title 9 coordinator. Title 9 coordinator is  
5 supposed to be -- is, you know, the unbiased, you  
6 know, person that is overseeing the procedures, and  
7 then I would determine if it was appropriate or  
8 allowed in our policy to have that person recuse  
9 themselves from the decision.

10 Q. Okay. What vote is required on these  
11 Title 9 hearings? Unanimous or less than unanimous?

12 A. I'm trying to think back to our policy at  
13 that time. I don't remember for the policy at the  
14 time because we review those policies every year. I  
15 know that in this case it was unanimous; however, I  
16 don't remember if it was the majority or if it's  
17 unanimous.

18 Q. Now, you heard Ms. Doherty testify at the  
19 hearing, correct?

20 A. Yes.

21 Q. And did you take into consideration the  
22 witness statements from the various witnesses that  
23 were provided to you by the investigators?

24 A. Did we -- yes.

Matthew Scott

48

1 Q. And did you take into consideration the  
2 relationships between those witnesses and the  
3 respective parties in this case, that being  
4 Mr. [REDACTED] and Ms. Doherty?

5 A. Yes.

6 Q. What was the nature of the relationship  
7 between [REDACTED] and Mr. [REDACTED]

8 MS. SULLIVAN: Can you --

9 MR. ANGUEIRA: And by the way, you  
10 can look at any document and --

11 MS. SULLIVAN: Can he have a chance  
12 to review this?

13 THE WITNESS: I remember this case  
14 and it's actually pretty common on this campus --  
15 students have a lot of nicknames, so I have a hard  
16 time remembering --

17 BY MR. ANGUEIRA:

18 Q. That's okay. I was going to suggest that  
19 you could look at anything you want to look at to  
20 refresh your memory or to respond to any of my  
21 questions.

22 A. Okay.

23 Q. You're looking at the unredacted version  
24 of Exhibit 10 now, which has the names of all the



**Matthew Scott**

49

1 witnesses, just so the record is clear what you're  
2 looking at. And your lawyer can help you to find  
3 certain parts if she wants to.

4 Why don't we go off the record while  
5 he's doing that.

6 (Discussion held off the record.)

7 BY MR. ANGUEIRA:

8 Q. So my question I think was, what was the  
9 nature of the relationship between [REDACTED] and  
10 Mr. [REDACTED]

11 A. Now I'm remembering why I had a hard time  
12 remembering, because -- so [REDACTED] was the -- I guess  
13 she reported that she was his girlfriend I believe;  
14 however, she was not the person that came to his  
15 room later on in the night. So I was thinking in my  
16 mind that it was somebody else that was his  
17 girlfriend. But, yes, she was -- she, based on her  
18 statement, was saying that she was his girlfriend.

19 Q. So your memory is that [REDACTED] never gave a  
20 statement or reported that she came to his room  
21 later that night with another woman?

22 MS. SULLIVAN: Objection. That was  
23 not even remotely what he just said.

24 MR. ANGUEIRA: I'm not asking him

**Matthew Scott**

50

1 what he said. I'm asking a different question.

2 BY MR. ANGUEIRA:

3 Q. Was there any evidence that [REDACTED] came to  
4 [REDACTED] room that night with another woman?

5 A. Yeah. So we -- yes, there was -- one of  
6 the pieces of the case was that there were two -- I  
7 think it was originally reported that there were --  
8 more in her original statement -- that was the  
9 original statement, that there were people that came  
10 to the door knocking. I'm just having a hard time  
11 recalling in this moment which one was stated that  
12 came to the door.

13 Q. I don't want you to -- it's not a memory  
14 test. If it's in the investigation report, which  
15 you have in front of you, and your lawyer can help  
16 you. What is the name of the woman who came to  
17 [REDACTED] room while Elisabeth was in the room and  
18 knocked on the door?

19 A. So [REDACTED] -- it says [REDACTED] [REDACTED] was the  
20 one that came to the room and knocked on the door.

21 Q. Okay. And who was the woman that was with  
22 her? Your lawyer can help you with that, too.

23 Maybe I could ask another question  
24 while you're looking. Is that okay with you?

**Matthew Scott**

51

1 MS. SULLIVAN: Yeah, sure.

2 MR. ANGUEIRA: Let me ask you a  
3 different question while your lawyer finds the  
4 information that may be helpful.

5 BY MR. ANGUEIRA:

6 Q. You said that it was determined somehow  
7 that -- or you believe that [REDACTED] was [REDACTED]  
8 girlfriend, correct?

9 A. Yes.

10 Q. I didn't see anything in any of these  
11 investigation reports, including [REDACTED] own  
12 statements, where it says that she was the  
13 girlfriend. Did you find something like that?

14 A. Yes. It says, "Saturday night I was told  
15 by my boyfriend to come to his room after I left the  
16 party." This is her talking about [REDACTED]

17 Q. This is [REDACTED] statement. And you're  
18 looking at Exhibit -- what number is that?

19 A. Nine.

20 Q. Okay. So now is it clear in your mind  
21 that she is the one that went and knocked on the  
22 door?

23 A. Correct, yes.

24 Q. And she says that her boyfriend [REDACTED]

Matthew Scott

52

1 told her to come over?

2 A. Yes.

3 Q. Okay. Why would he ask her to come over  
4 if he's having sex with another woman?

5 A. We'd have to look back at her statement,  
6 but I believe she said that he was texting her  
7 earlier in the night to come over.

8 Q. Okay. So that conversation about her  
9 coming over, according to the context of this  
10 investigation, was an earlier communication before  
11 he asked Ms. Doherty to come over?

12 A. It appears that way, yes.

13 Q. And has your lawyer pointed out something  
14 that may be helpful with the other question?

15 MS. SULLIVAN: About the friend.

16 MR. ANGUEIRA: Yes. The name of  
17 [REDACTED] friend who she just identifies as a friend.

18 MS. SULLIVAN: There's something in  
19 this report about a friend from home and not from  
20 school.

21 BY MR. ANGUEIRA:

22 Q. Let me ask you a different question while  
23 she continues to look at that.

24 When you do an investigation like

Matthew Scott

53

1 this, is the witness's ability to recall events an  
2 important and relevant part of the investigation?

3 A. Yeah.

4 Q. And is the nature of the relationship  
5 between the witnesses and the principals involved  
6 also important?

7 A. Yes.

8 Q. So we know that [REDACTED] was [REDACTED]  
9 girlfriend, correct?

10 A. Yes.

11 Q. And you certainly understood from your  
12 training and your own life experiences that there  
13 are times when friends will lie to protect other  
14 friends, correct?

15 A. Yes.

16 Q. Were you aware that there are times when  
17 women will lie to protect their boyfriends if  
18 they've been accused of sexual misconduct against  
19 other women?

20 A. It's conceivable that somebody would lie  
21 for their partner, yes.

22 Q. Especially if their boyfriend is facing  
23 rape charges, may be thrown in jail, loses a full  
24 scholarship, and be thrown out of school?

Matthew Scott

54

1 MS. SULLIVAN: Objection.

2 THE WITNESS: I mean, yes, it's  
3 conceivable that somebody would lie.

4 BY MR. ANGUEIRA:

5 Q. Do you know whether or not [REDACTED] was  
6 lying?

7 A. I don't know if she was lying, but it was  
8 something that was put into the assessment of  
9 credibility. It's something that we think about  
10 when we're looking at what their relationship is.  
11 In this particular case I remember -- and this is  
12 why I had a hard time remembering [REDACTED] because it  
13 seemed like he had multiple girlfriends, quote,  
14 unquote, "girlfriends." So we didn't necessarily  
15 treat [REDACTED] as if she was his, you know, long-term  
16 girlfriend. We more -- you know, our students use  
17 terms like boyfriend, girlfriend or hookup, and that  
18 means different things to different people. So for  
19 us we kind of looked at this as somebody that had a  
20 potentially sexual relationship with this person but  
21 not necessarily a long-term girlfriend, because we  
22 didn't have enough information on that.

23 Q. Have you found something that assists us  
24 in identifying who the person was that was with

## Matthew Scott

55

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

██████████

A. So it doesn't have the name of ██████████ friend. It's her friend from home it says. So this was somebody that ██████████ -- so ██████████ was with Nye, she goes by ██████████ but ██████████ wasn't the one -- it doesn't appear as though ██████████ was the one that went to the door. It was ██████████ friend from home.

Q. So when was ██████████ with ██████████

A. ██████████ was with ██████████ when she went back -- it says -- ██████████ went in to take a shower, and ██████████ went down the hall to speak to ██████████ and --

Q. Just read it to yourself; otherwise, she has to --

A. Sorry. So it looks like -- so I'm wondering if ██████████ was ██████████ roommate, but it looks like ██████████ went back -- after ██████████ went to the room and knocked on ██████████ door, she went back and told Nye what happened.

Q. Was there any effort made to determine whether or not ██████████ was intoxicated or under the influence of alcohol or drugs at the time of these interactions?

A. I don't know to what extent the investigators would have checked that information,

Matthew Scott

56

1 but --

2 Q. Should they have?

3 A. It's a -- it's a question that we -- it's  
4 good to know, but it's --

5 Q. Why is it good to know?

6 A. Well, it's not -- it's not always  
7 necessary, but it is something just to -- you know,  
8 just to know if people were -- especially if we want  
9 to know if they were together at the party prior or,  
10 you know, were they drinking right before the event,  
11 how long had it been since they stopped drinking,  
12 all that.

13 Q. You don't think it's relevant to the  
14 witness's ability to recall events whether or not  
15 they were under the influence of drugs or alcohol?

16 A. Yeah.

17 Q. So then what was the level of sobriety of  
18 [REDACTED] or her friend from home at the time that she  
19 was involved in these events if you know?

20 A. I don't know.

21 Q. Okay. Did any of your investigators or  
22 the panel members know the state of sobriety of any  
23 of these witnesses that were investigated by your  
24 investigators?



**Matthew Scott**

57

1           A.     We wouldn't have known no more or less  
2     than we would have any -- you know, the people  
3     involved in it. So we didn't necessarily know --  
4     unless it came up, unless they asked in here and we  
5     have their statement -- that they said something  
6     like the person had been drinking at a party or  
7     something like that, but we wouldn't know their  
8     level of sobriety.

9           Q.     But did the investigators try to determine  
10    their level of sobriety? Because people can have  
11    one shot and be fine or be pounding down shots and  
12    be totally inebriated and therefore their memory  
13    affected.

14                         So my question is, did these  
15    investigators report to you and other panel members  
16    the level of sobriety of any of these individuals?  
17    Yes or no?

18           A.     No, not that I recall.

19           Q.     They did report for certain individuals  
20    who said they had been drinking, correct?

21           A.     Correct.

22           Q.     Were any of the witnesses asked if they  
23    had taken any illegal drugs?

24           A.     I don't recall.

**Matthew Scott**

58

1 Q. Was there an alcohol policy at this school  
2 at the time?

3 A. Yes.

4 Q. Is it similar to most of the institutions  
5 in the country that underage drinking is prohibited?

6 A. Yes.

7 Q. What were the ages of the people that the  
8 investigators during the course of their  
9 investigation determined were drinking?

10 A. I don't know.

11 Q. Were they underage and therefore illegally  
12 drinking on campus?

13 A. I don't know. However, in our sexual  
14 misconduct policy one of the things that we have to  
15 do is give -- we can -- we have an alcohol amnesty  
16 policy that allows us to make sure we get to the  
17 root of when sexual misconduct is -- if there's an  
18 alleged sexual misconduct we don't want people to  
19 fear coming forward with their -- you know, the  
20 accusation or coming forward as a witness because we  
21 don't want them to hold anything back. So we  
22 wouldn't have -- even if we did find out that  
23 somebody was underage, we wouldn't have held them  
24 responsible from a conduct perspective. We would

**Matthew Scott**

59

1 have a conversation with them about it, but -- yeah,  
2 so just so you know, that would be a reason why we  
3 wouldn't have done that, because of our alcohol  
4 amnesty policy.

5 Q. Well, did anybody have a conversation with  
6 any of these witnesses because they were involved in  
7 underage drinking to your knowledge?

8 MS. SULLIVAN: Objection.

9 THE WITNESS: I don't know.

10 BY MR. ANGUEIRA:

11 Q. Did you ever speak with [REDACTED] [REDACTED]  
12 yourself?

13 A. No.

14 Q. Did you ever hear any recorded statement  
15 that he gave?

16 A. No.

17 Q. Did you ever ask Mr. [REDACTED] -- and by  
18 "you" I mean the school -- to appear for this  
19 hearing?

20 A. Did we ask him to?

21 Q. Yes.

22 A. Yes.

23 Q. And he chose not to, right?

24 A. Yeah. By the time this happened, I

**Matthew Scott**

60

1 believe he was no longer a student, so he chose not  
2 to be -- he didn't want to have any part of it.

3 Q. Well, whether he was a student or not, he  
4 had the right to be there or not be there, correct?

5 A. Yes.

6 Q. And did the school have the authority to  
7 ask the witnesses that they had interviewed to be  
8 present at the hearing if they thought their  
9 testimony live before the panel members was  
10 relevant?

11 A. Yes.

12 Q. Could they have called them?

13 A. Yes.

14 Q. How many of the witnesses did this panel  
15 call to the hearing?

16 A. We didn't have any witnesses at the actual  
17 hearing.

18 Q. Whose decision was it not to call any of  
19 the witnesses?

20 A. We -- so the panel met prior to go over  
21 the documentation, make sure that everybody  
22 understood the process, and during that time we did  
23 discuss if we felt like we needed any more  
24 information to -- you know, to pull in any more

Matthew Scott

61

1 witnesses, and we decided that we didn't -- we felt  
2 that we had enough.

3 Q. Now, after you heard Ms. Doherty's  
4 testimony and after you considered all of the  
5 evidence presented in this case, did you make a  
6 decision in your mind as to the credibility of  
7 Ms. Doherty's account of what happened?

8 A. Assessing credibility was part of it, yes.

9 Q. And did you believe that any part of her  
10 account of what she believes happened was not  
11 credible or not true?

12 A. There were -- there were concerns about --  
13 and certainly this came up, about the fact that  
14 there were multiple people that came in and out to  
15 the room or were around at the time, and, you know,  
16 there was no effort -- you know, there was nothing  
17 that was -- it didn't appear as though she was  
18 actively trying to get anybody to recognize that  
19 something was occurring. So that was a piece of it.

20 Another piece is as part of that --  
21 because again when you think of a -- you know, a  
22 victim of sexual assault or sexual misconduct or  
23 rape, I understand that there is a -- everybody  
24 responds differently. So, you know, in this

## Matthew Scott

62

1 situation we were also assessing -- trying to think  
2 of the right way to say this -- the -- she never  
3 made -- she never mentioned being -- having any  
4 fear, being in fear, that he had threatened her  
5 directly. So given the fact that she said that she  
6 had -- was not -- that she never made any mention of  
7 being in fear or that he didn't threaten her in any  
8 way, one of things that we had to look at was would  
9 a reasonable person assume that she -- if she was  
10 not in fear, if she would make some -- some noise or  
11 some -- some meaningful effort to get one of the  
12 people in the room or in the suite to know that  
13 something was occurring, especially people that she  
14 was friendly with in the suite.

15 So I think that was a big moment,  
16 and that was a big thing that we did talk about.  
17 I'm trying to think back to what else we would have  
18 talked about.

19 There was mention of her being -- I  
20 think she said embarrassed or -- you know, when  
21 the -- when the people came to the door and were  
22 knocking on the door, she mentioned something about  
23 being embarrassed. And, you know, she said -- I  
24 think she said she was scared or something like

## Matthew Scott

63

1 that. And I believe I asked what do you mean by  
2 that, and she said something like, well, I know if  
3 somebody was hooking up with my boyfriend, I'd be  
4 mad.

5 And that was another thing that we  
6 talked about is, if you are being -- if you are --  
7 if you're being raped -- you know, obviously it's a  
8 difficult situation to know everything that's  
9 happening, but if you're being raped and now after  
10 the fact you're talking about it, it didn't seem  
11 like she -- her focus in that moment was on him and  
12 on what he was allegedly doing. It was more on the  
13 people at the door and that she was fearful of them  
14 and of their retaliation and of the fact that they  
15 would know that she's hooking up with their  
16 boyfriend.

17 So it was very difficult for us to  
18 say that it was more likely than not that a sexual  
19 assault occurred because we didn't have enough  
20 evidence to say that it did.

21 Q. Have you finished or is there anything  
22 else?

23 A. Yeah.

24 Q. That was it?

**Matthew Scott**

64

1           A.     That's all I can recall. Those are some  
2 of the big moments that I can recall us speaking  
3 about.

4           Q.     So you said that she basically didn't make  
5 enough effort to get some attention, to let people  
6 know that were in the room or near the room to be  
7 able to hear her need for help, in summary. Is that  
8 fair?

9           A.     Yes. I want to make sure that -- when I  
10 say she didn't make enough effort, I want to make  
11 sure it doesn't sound like I'm saying if a victim is  
12 in that situation, they have to be the one that's  
13 making -- but what I'm saying is -- and it's  
14 important if we're talking specifically about this  
15 case. I remember we did look at the relationship  
16 between her -- and I think it was [REDACTED] is one of the  
17 people in the room and [REDACTED] is another one. And  
18 it seemed as though there could have been something  
19 that she could have done, even if it wasn't  
20 screaming at the top of her lungs, which I believe  
21 she did say -- you know, when she went back, that's  
22 what she told her suite mates, that she was  
23 screaming and nobody did anything. But that's not  
24 how she described it to us, so there's some



**Matthew Scott**

65

1 inconsistency there.

2 It just felt as though she could  
3 have done something that would have made [REDACTED]  
4 especially who was her -- who she was friendly with  
5 at some point, that she could have done something  
6 that would have indicated that she didn't want to be  
7 there.

8 Q. What was the -- in terms of the timing of  
9 these events, when [REDACTED] was allegedly raping this  
10 woman and she kept saying no, no, no, please stop,  
11 according to her testimony, where was [REDACTED] during  
12 that precise moment?

13 A. I'd have to try to recall the timeline we  
14 put together.

15 Q. Take a look at it --

16 A. Sure.

17 Q. -- so that you understand my question.  
18 There's going to be a series of questions here --

19 A. Sure.

20 Q. -- and they're all geared towards this.  
21 You're telling us that someone should have heard  
22 her. That's what you're really saying. Therefore  
23 somebody has to be in a position to hear and able to  
24 hear. So my questions are going to be, all the

**Matthew Scott**

66

1 people that you claim should have heard her, where  
2 were they, what time they were there, and whether  
3 they were awake, and what was their state of  
4 sobriety?

5 So as you read this investigation  
6 report, think about all those issues and have  
7 answers ready for me. I'll give you all the time  
8 you want.

9 MS. SULLIVAN: All right. We're  
10 going to go take a break.

11 MR. ANGUEIRA: Sure.

12 (Recess taken.)

13 BY MR. ANGUEIRA:

14 Q. All right. Have you had a chance to  
15 review any document that you needed to review? So  
16 could you answer those questions? Do you want it  
17 read back?

18 MS. SULLIVAN: Yeah.

19 MR. ANGUEIRA: Why don't you read to  
20 the witness the series of questions that I wanted  
21 him to think about while he was reviewing the  
22 documentation, and then we'll break them down.

23 I'm going to save you some time.

24 Let's just keep going.

**Matthew Scott**

67

1 BY MR. ANGUEIRA:

2 Q. Part of the evidence that you relied upon  
3 was the presence of other witnesses that you believe  
4 should have been able to hear or see something out  
5 of the ordinary or unusual based on what Ms. Doherty  
6 reported, correct?

7 A. Correct.

8 Q. And those -- some of those witnesses were  
9 [REDACTED] and [REDACTED] correct?

10 A. They were two of them, yes.

11 Q. Okay. Who else other than [REDACTED] and [REDACTED]

12 A. [REDACTED]

13 Q. Okay.

14 A. And [REDACTED] was in the suite but -- yeah.

15 Q. So "in the suite" you mean in [REDACTED]  
16 room?

17 A. Well, [REDACTED] room was the living room,  
18 so it's the bedroom on the other side of the living  
19 room.

20 Q. Okay. And are the bedrooms separated by  
21 doors?

22 A. The bedroom is separated from the living  
23 room with a door, yes.

24 Q. Was the door open or closed during the

**Matthew Scott**

68

1 events that you believe he should have heard  
2 something?

3 A. I don't recall if we had that information.

4 Q. Okay. What was [REDACTED] location in [REDACTED]  
5 room? Where did you believe that he was when he  
6 should have heard something?

7 A. He came into the suite and went into the  
8 bathroom, and the bathroom is directly connected to  
9 the living room where they would have been, and  
10 turned on the light.

11 Q. Okay. So let's stick with just one person  
12 at a time. Let's go to [REDACTED] Okay? Was [REDACTED]  
13 in [REDACTED] suite the entire time that the events  
14 occurred?

15 A. Yes, I believe so.

16 Q. Okay. Was he awake or asleep?

17 A. I believe it was reported that he was  
18 asleep.

19 Q. Okay. Had he been drinking that night or  
20 taking any drugs?

21 A. That I don't know.

22 Q. Did anybody ask him as part of this  
23 investigation what his state of sobriety was during  
24 these events?

**Matthew Scott**

69

1           A.    I don't recall.

2           Q.    Okay.  So if you made the assumption that  
3    [REDACTED] was awake, is that -- strike that.  Did you  
4    make the assumption that he was awake, and therefore  
5    he should have heard something?

6           A.    No.

7           Q.    Did you assume that [REDACTED] was sound  
8    asleep and drunk and should have heard something?

9           A.    No.  We depended less on [REDACTED] -- yeah.

10          Q.    Okay.  So let's move on.  [REDACTED] when did  
11   [REDACTED] get to the room, [REDACTED] room?

12          A.    I remember specifically asking Elisabeth  
13   about that.  She didn't know the exact time, so lots  
14   of the time, you know, the timeframes were fuzzy.  
15   So I don't know exactly when that happened, but I  
16   know that she -- that it was -- I can't say that I  
17   know.  I believe that she said it was before the  
18   people came knocking on the door.

19          Q.    Okay.  So do you know if [REDACTED] was in the  
20   room at the time that the assault first began when  
21   she was saying no, no, please stop?

22          A.    I don't know if it was when it first  
23   began.  I don't.

24          Q.    Do you know if [REDACTED] was in the room at any

Matthew Scott

70

1 point in time before [REDACTED] and her girlfriend  
2 knocked on the door?

3 A. If [REDACTED] was in the room before [REDACTED] and  
4 her friend -- I specifically remember asking her  
5 about that, so in the hearing you would have -- you  
6 can hear that. I don't remember off the top of my  
7 head if it was before or after the knocking, but I  
8 remember clarifying that.

9 Q. What was [REDACTED] state of sobriety during  
10 these events?

11 A. I don't know.

12 Q. Do you know what [REDACTED] physical  
13 relationship was or proximity to where these events  
14 occurred between Mr. [REDACTED] and Ms. Doherty at the  
15 time you claimed that he should have been able to  
16 hear something?

17 A. Well, if he's walking through the living  
18 room, which is where this would have been occurring,  
19 it would have been -- I mean I would say the  
20 furthest he could be away from them is maybe six  
21 feet --

22 Q. Okay.

23 A. -- seven feet.

24 Q. What was the nature of the relationship

**Matthew Scott**

71

1     between [REDACTED] and [REDACTED]

2             A.     They were suite mates I guess.

3             Q.     Were they on the football team together?

4             A.     Yes, I believe so.

5             Q.     Okay. What was [REDACTED] physical size in  
6 comparison with Ms. Doherty's?

7             A.     He's larger than Ms. Doherty, yeah.

8             Q.     What -- did you ever meet him or review  
9 anything about his physical dimensions?

10            A.     I didn't meet him specifically. I did --  
11 I do remember seeing pictures of him and looking him  
12 up on the -- the roster, the football roster.

13            Q.     What was his height and weight?

14            A.     I don't remember. I remember Elisabeth  
15 guessed, she said something in the mid 200s maybe or  
16 something like that.

17            Q.     With respect to -- so you said that [REDACTED]  
18 said he got to the room and then went to the  
19 bathroom? What is it that [REDACTED] told the  
20 investigators he did?

21                    Let him answer. Or was he in the  
22 room the whole time --

23            A.     I --

24            Q.     -- or do you know?

**Matthew Scott**

72

1           A.     I'm -- well, you asked what he told the  
2     investigators, so that's what -- I can tell you what  
3     I remember from the hearing is that Elisabeth said  
4     that she saw [REDACTED] and a girl come into the apartment  
5     or into the suite --

6           Q.     I don't mean to interrupt you. I don't  
7     really care what Elisabeth said right now. I want  
8     you to tell me what your investigators found out  
9     when they talked to [REDACTED] as to what [REDACTED] claims that  
10    he did, saw, and heard, please. That's what I want  
11    to hear from you.

12          A.     Okay. He said that he came into the suite  
13    at first. He said he went to the bathroom to brush  
14    his teeth, and he said he had [REDACTED] with him. I think  
15    he first said it was a girl with him and that they  
16    were in his room.

17          Q.     Okay.

18          A.     That's where they were hanging out, but  
19    that he went through and went to the bathroom to  
20    brush his teeth.

21          Q.     Did [REDACTED] tell you what time they got to the  
22    room?

23                   MS. SULLIVAN: Objection. You're  
24    talking about the investigation report, not who told



Matthew Scott

73

1 him anything?

2 MR. ANGUEIRA: Yeah, I'm sorry.

3 MS. SULLIVAN: And you were the one  
4 that wanted to make that clear.

5 BY MR. ANGUEIRA:

6 Q. Yeah, absolutely. In other words, did you  
7 receive information from the investigators as to  
8 what time [REDACTED] got in the room?

9 A. Yeah. He said around 2:30, right, I  
10 think.

11 Q. In terms of the timing of the events as  
12 reported by Ms. Doherty, at what stage of the  
13 proceedings was -- were these events occurring in  
14 relationship to when [REDACTED] got to the room?

15 A. I'm sorry, can you repeat that one more  
16 time?

17 Q. Sure. [REDACTED] got to the room, and according  
18 to Ms. Doherty's account at what point in time did  
19 he get to the room when these events were happening?

20 A. So -- so in terms of our timeline, [REDACTED]  
21 said that she went to go visit him around 2:00, and  
22 Elisabeth said she was there between what, 2:08 and  
23 2:10. So that would imply in that case that [REDACTED] was  
24 already in the room, that [REDACTED] went to go visit him.

## Matthew Scott

74

1 And then again I think if you go back to the  
2 hearing, I did specifically ask was [REDACTED] in there  
3 prior to or after the knocking that happened on the  
4 door. So I think that's important because she  
5 does -- I remember her saying I didn't know the  
6 exact time, but then she told me if it was after or  
7 before. So it helps to put that into the timeline.

8 Q. Did Ms. Doherty ever see [REDACTED] in the room?

9 A. Yes. She said she saw him come into the  
10 room, yeah.

11 Q. And did she tell the investigators to your  
12 knowledge when she saw [REDACTED] in relationship to what  
13 was happening with [REDACTED]

14 A. I don't recall. Do you want me to look?

15 Q. No.

16 A. I don't recall, but I do remember  
17 asking -- because one of the things we wanted to try  
18 to determine was again why she wouldn't have said  
19 something to him. And, you know, she -- that's when  
20 she was talking about being embarrassed or whatever.  
21 So it would make sense that it was happening -- that  
22 [REDACTED] was walking through when something was occurring  
23 because she -- otherwise she would have said this is  
24 before any of that happened, you know.

**Matthew Scott**

75

1 Q. So you made a lot of assumptions about the  
2 events?

3 MS. SULLIVAN: Objection.

4 THE WITNESS: We used the  
5 more-likely-than-not standard, so we have to  
6 determine was it more likely than not that that's  
7 how it occurred.

8 BY MR. ANGUEIRA:

9 Q. And what standard did you use to determine  
10 the level of sobriety of [REDACTED] and [REDACTED]

11 A. It would be -- we would have used anything  
12 that we would have had or anything that they would  
13 have said. So if anybody told us that they had been  
14 drinking or if it had come up in conversation during  
15 the hearing.

16 Q. Did the investigators ask or provide any  
17 information to you regarding the state of sobriety  
18 of [REDACTED] or [REDACTED]

19 A. [REDACTED] or [REDACTED] I don't recall. I could look.

20 Q. If they did, it would be in the report,  
21 correct?

22 A. Correct.

23 Q. Okay. All right. So we have [REDACTED] [REDACTED]  
24 and [REDACTED] that we talked about. The only one we

**Matthew Scott**

76

1 haven't spoken about is [REDACTED] And you said that  
2 [REDACTED] identified herself as [REDACTED] girlfriend,  
3 correct?

4 A. In her statement, yes.

5 Q. What information did the investigators  
6 provide to you about [REDACTED] state of sobriety?

7 A. I don't believe there was anything in  
8 here, just that she was at a party downtown and was  
9 getting texts from [REDACTED] so -- yeah.

10 Q. So at the time of the hearing you had  
11 looked at all this evidence, all the investigators'  
12 report, knew that there was nothing in there to  
13 indicate the state of sobriety of any of these  
14 witnesses, and the panel chose unanimously not to  
15 call any of these witnesses, correct?

16 A. Correct.

17 Q. By the way, what was [REDACTED] relationship  
18 with [REDACTED] Was he on the football team, too?

19 A. Yes.

20 Q. So three football team members in the same  
21 room --

22 A. Mm-hmm.

23 Q. -- right? And was there some kind of rule  
24 at the school that if one of the football team

**Matthew Scott**

77

1 members gets into trouble, they could get kicked off  
2 the team?

3 MS. SULLIVAN: Objection. You can  
4 answer.

5 BY MR. ANGUEIRA:

6 Q. If you know.

7 A. I mean that's a possible outcome of  
8 conduct cases, yes.

9 Q. Certainly if you're accused of rape and  
10 the rape is proven, you'd probably get kicked off  
11 the team and out of the school, correct?

12 A. If you are found responsible for rape --

13 Q. Yes.

14 A. -- yes.

15 Q. And if you're part of a football team and  
16 one of your star players is accused of rape and  
17 thrown off the team, that's going to hurt the whole  
18 team, right?

19 MS. SULLIVAN: Objection.

20 THE WITNESS: If he was a star  
21 player, yes. I don't know.

22 BY MR. ANGUEIRA:

23 Q. Was he?

24 A. I don't know that.

**Matthew Scott**

78

1 Q. Was he on some type of scholarship?

2 A. I don't know that.

3 Q. Was he first string? Second string?

4 A. I don't know that.

5 Q. Did you consider the possibility that  
6 these teammates may be lying to protect [REDACTED]

7 A. We considered that everybody could have  
8 been lying to us.

9 Q. Did you think that Elisabeth should have  
10 screamed louder or done something more to voice her  
11 objection to what was being done to her?

12 A. I think that she -- I think that there  
13 were multiple opportunities for her to do something  
14 that would indicate that something was not right in  
15 the room.

16 Q. So you concluded that she was lying about  
17 the rape and really wanted to have sex with [REDACTED]  
18 and then later on decided to lie and say that she  
19 was raped?

20 MS. SULLIVAN: Objection.

21 BY MR. ANGUEIRA:

22 Q. That's basically what you concluded,  
23 correct?

24 A. There were multiple things that we

**Matthew Scott**

79

1 considered. It wasn't necessarily exactly that. It  
2 was -- there -- she focused very -- she focused a  
3 lot on the people that came to the door. She  
4 focused on being scared of them, thinking they were  
5 going to beat her up, that she was hooking up with  
6 one of their boyfriends. She had a boyfriend. He  
7 allegedly had a girlfriend, had multiple  
8 girlfriends. So I think that was something that  
9 played into it, saying that we have to use that --  
10 is it more likely than not that it occurred and --

11 Q. So you think she lied because she was  
12 afraid of getting beat up by [REDACTED] -- one of  
13 [REDACTED] girlfriends, and her boyfriend finding out  
14 that she was having sex with [REDACTED] that she ran  
15 out screaming, crying down the hallway and reported  
16 that she had been raped to her girlfriends, crying  
17 hysterically? She made that all up?

18 A. There was specifically a text that I  
19 remember that said something about she doesn't --  
20 she doesn't know you or she doesn't know shit or  
21 something like that, and there was nothing in the  
22 text messages that showed that there was any  
23 conversation about that. Which was another piece  
24 that made it seem as though maybe there had been

**Matthew Scott**

80

1 some conversation that occurred in the room between  
2 [REDACTED] and Elisabeth that she was concerned about  
3 that they knew what happened in the room and that  
4 she was scared of them.

5 So that was another piece that went  
6 into that decision. I remember we asked her  
7 about -- there was a missing text message, but there  
8 was a text message that did say something like that.

9 MR. ANGUEIRA: I don't have any  
10 other questions. Thank you.

11 THE COURT REPORTER: Ms. Sullivan,  
12 do you want copies of the transcripts?

13 MS. SULLIVAN: Yes. E-trans,  
14 electronic is fine.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24





**Matthew Scott**

82

1 COMMONWEALTH OF MASSACHUSETTS COUNTY OF MIDDLESEX

2 I, PENNI L. LaLIBERTÉ, Certified  
3 Shorthand Reporter No. 10656 and Notary Public in  
4 and for the Commonwealth of Massachusetts, do hereby  
5 certify that MATTHEW E. SCOTT came before me on  
6 Wednesday, March 21, 2018, the deponent herein, who  
7 was duly sworn; the examination was reduced to  
8 printing under my direction and control; and the  
9 within transcript is a true record of the testimony  
10 given at said deposition.

11 I further certify that I am neither  
12 attorney or counsel for, nor related to or employed  
13 by any of the parties to the action in which this  
14 deposition is taken; and, further, that I am not a  
15 relative or employee of any attorney or counsel  
16 employed by the parties hereto, or financially  
17 interested in the outcome of the action.

18 IN WITNESS WHEREOF I have hereunto set my  
19 hand this 29th day of March, 2018.

20  
21   
22

23 PENNI L. LaLIBERTÉ, Notary Public

24 My Commission expires 11/12/21